

ZONING ADMINISTRATOR

NOTICE OF DECISION

Date: September 17, 2013
Applicant: La Roca
Case No.: PCC-13-023
Address: 2371 Fenton Street, Chula Vista, Ca
A.P.N.: 595-231-34
Project Planner: Jeff Steichen, Associate Planner

Notice is hereby given that on September 17, 2013, the Zoning Administrator considered Conditional Use Permit Application PCC-13-023 filed by La Roca ("Applicant"), at 2371 Fenton Street, Chula Vista, Ca. ("Project Site"). The Project Site is within the BC-2 (Business Center) Land Use District of the Eastlake II SPA and is designated as Limited Industrial (IL) within the City of Chula Vista's General Plan. The project is more specifically described as follows:

The Applicant requests approval of a Conditional Use Permit to operate the "La Roca Educational Religious Facility" within a tenant spaced containing a total area of 33,309 s.f. ("Project"). The business will be located in an existing industrial building, and consist of the operation of a day-care and pre-school during week and main worship services on Sundays, more specifically described in the following table:

Time	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday
9:00AM-2:00 PM	Worship Services					
7:00PM-9:00PM				Worship Service		Youth activity
7:00AM- 6:00PM		School	School	School	School	School

A total of 117 parking spaces are available on-site. The maximum student capacity of the school will be 80 students. This is more than sufficient to accommodate the school and office use during the week. Proposed maximum seating capacity for the worship services shall be 405 persons. The amount of parking is sufficient per Section VIII.2 of the Eastlake II PC District Regulations which require 1 space per 3.5 seats. Pursuant to Sections IV.1.G(1) and(5) day care schools and educational institutions are permitted upon approval of a Conditional Use Permit.

The Environmental Review Coordinator has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a Class 1 Categorical Exemption pursuant to 15301 (Existing Facilities) of the State CEQA Guidelines. The proposed project consists of negligible or no expansion of an existing use. Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Section 19.14.030.A of the Chula Vista Municipal Code, has been able to make the Conditional Use Permit findings as required by CVMC Section 19.14.080:

That the proposed use at this location is necessary or desirable and will contribute to the general well being of the neighborhood or the community.

This finding is met because the approval of this project will enable the applicant to use the project site to provide educational religious facility that would help the applicant to provide a convenient place of worship, particularly for citizens residing in Chula Vista and specifically in the Eastlake Community. The use at this location is also necessary and desirable because the project site is located in an industrial building adjacent to an existing park which provides for outdoor recreational activities.

That such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

The operation of the educational religious facility has been designed and conditioned to avoid potential health, safety and noise impacts to nearby residents and businesses. The existing parking spaces exceed the required on-site parking ratio to serve the educational religious institution, and no additional parking would be necessary. Conditions of approval addressing hours of operation, potential for noise generation, and existing conditions will reduce any potential negative impacts to the adjacent residential area. The granting of the conditional use permit enables the City to protect the character and quality of life for the area residents in the least restrictive manner.

That the proposed use will comply with the regulations and conditions specified in the code for such use.

The educational religious facility is located in an area zoned BC2 (Business Center) and is designated as an educational facility in that zone, and thus requires approval of a Conditional Use Permit by the Zoning Administrator. This finding is met because the granting of this Conditional Use Permit is conditioned to require the Applicant and Property Owner to fulfill its conditions of approval and to comply with all applicable regulations and standards specified in the Eastlake II SPA Plan, Municipal Code, and the California Building, Fire and other applicable codes, for such use. These conditions will be enforced through building plan review, inspections prior to occupancy of the use and subsequent operation of the business. Furthermore, the conditions of this permit are approximately in proportion to the nature and extent of the impact created by the project in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the project. The project will comply with all regulations and conditions specified in the Zoning Code for uses established under PCC-13-023.

That the granting of this Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any government agency.

The General Plan designates the site as Limited Industrial. Educational facilities are permitted in the BC-2 (Business Center) zone, upon approval of a Conditional Use

Permit. The proposed Project has been conditioned to minimize all potential adverse impacts to the site and surrounding area. This finding is met because the operation of the Project, as approved by a Conditional Use Permit pursuant to the Chula Vista Municipal Code, is consistent with Limited Industrial (IL) permitted land uses and will not adversely affect implementation of the General Plan. This is temporary use and is conditioned to expire in five years.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-13-023 as described above subject to the following conditions:

The following conditions shall apply to the Project Site, and the Applicant or successor-in-interest shall satisfy these conditions prior to issuance of the first building permit for the project, or at the timeframe specified in the condition. Upon completion, the Applicant shall remain in compliance with the conditions as long as the Project relies upon this approval:

PLANNING DIVISION

1. The Project Site shall be developed and maintained in accordance with the PCC-13-023 approved plans, as amended herein, which include site plans and floor plans on file in the Planning Division, the conditions contained herein, and the Eastlake II SPA Plan (Title 19).
2. The Property Owner and Applicant or authorized representative shall execute this document by making a true copy of this Notice of Decision and signing both this original notice and the copy on the lines provided below, said execution indicating that the Property Owner and the Applicant have each read, understood and agreed to the conditions and land use operation modifications contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document prior to submittal for building permits to the Development Services Department shall indicate the Property Owner's and Applicant's desire that the project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval.

Signature of Property Owner

Date

Signature of Applicant or Authorized Representative

Date

3. The Applicant shall apply for and obtain a sign permit for any required site/business identification signs from the Development Services Department in accordance with the Chula Vista Municipal Code Chapter 19.60

LAND DEVELOPMENT

4. Payment of the following fees which may be adjusted based upon the final Building Plans Submitted:
 - a. Sewer Capacity Fee
 - b. Traffic Signal Fee
 - c. Sewer Basin DIF
 - d. Other Engineering Fees per the Master Fee Schedule

BUILDING DIVISION

5. The Applicant shall apply for required building permits. Permits shall comply with applicable codes and requirements, including but not limited to the 2010 California Building Code (CBC) and Ca. Handicapped Accessibility requirements, 2010 Fire Code, 2010 California Mechanical Code, 2010 California Plumbing Code, 2010 California Electrical Code, and 2008 California Energy Code, as adopted and amended by the State of California and City of Chula Vista. Permits must also comply with the 2010 Edition of the California Green Building
6. Applicant shall be required to obtain a Certificate of Occupancy prior to occupancy of the suite.

FIRE DEPARTMENT

7. Submit and obtain approval of building plans that comply with the 2010 Fire Code to the satisfaction of the Fire Marshall, and comply with the Fire Department conditions which include requiring modifications to the existing fire sprinkler and fire alarm systems. A deferred submittal to the Fire Department will be required, prior to any modification.

Upon certification by the Development Services Department for occupancy or establishment of use allowed by this Conditional Use Permit, the following conditions shall apply:

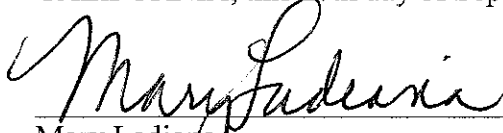
8. The day-care and pre-school operation shall be limited to 80 students and shall operate between the hours of 7:00 a.m. and 6:00 p.m. Monday through Fridays. Any request to exceed this size shall require prior approval by the Zoning Administrator

9. The hours of operation for services shall be as follows: Worship Services on Sunday from 9:00 a.m. and 2:00 p.m. and Wednesdays from 7:00 p.m. to 9:00 p.m. Youth services and activities shall be Fridays 7:00 p.m. – 9:00 p.m.
10. The size of congregation in the main auditorium shall be limited to 405 persons at any one time on Sundays and on Wednesday and Friday evening. Any request to exceed this size shall require prior approval by the Zoning Administrator.
11. Operate in compliance with the Performance Standards, CVMC Chapters 19.66 and Performance Standards and Noise Control, Chapter 19.68.
12. All exterior doors, including the entry doors and roll-up bay door, shall be closed during services and all musical performances and rehearsals.
13. If a formal complaint regarding failure to comply with any conditions of approval of this Conditional Use Permit is received by the Director of Development Services, or if the Director determines that a failure to comply with conditions of approval this Conditional Use Permit has occurred, then the Director has the discretion to initiate an investigation which may include requesting the applicant to submit plans, technical studies such as acoustical studies, or other information deemed necessary to review the current Conditional Use Permit. After review, the Director has the discretion to either maintain the existing Conditional Use Permit, modify the Conditional Use Permit, or revoke the Conditional Use Permit, pursuant to the requirements of CVMC Section 19.14.270.
14. The number of parking spaces available for exclusive use by the applicant shall not drop below the minimum code requirement of 117 spaces.
15. This Conditional Use Permit authorizes only the use specified in the application for PCC-13-023. Any requested expansion or modification of existing use, or activities not authorized under this Conditional Use Permit, shall be subject to the review and approval of the Zoning Administrator.
16. This permit shall become void if not used or extended within three years of the effective date thereof in accordance with Section 19.14.260 of the Chula Vista Municipal Code. Failure to comply with the any conditions of approval shall cause this permit to be reviewed by the City for additional conditions or revocation.
17. This permit shall expire five years after the date of approval, unless the applicant has previously applied for, or the Zoning Administrator has previously granted an extension of this Conditional Use Permit. The applicant is responsible for filing the application requesting an extension of the approved Conditional Use Permit, prior to expiration of the 5-year term. The Zoning Administrator shall review this

Conditional Use Permit for compliance with the conditions of approval and shall determine, in consultation with the applicant, whether the project needs to be modified from its original approval as part of the extension approval.

18. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. The applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.
19. The Applicant/Representative and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant/operator shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated above. The Applicant/Representative and Property Owner's compliance with this provision is an express condition of this Conditional Use Permit and shall be binding on any and all of Applicant/Operator's successors and assigns.
20. Approval of this Project shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 17th day of September, 2013.



Mary Ladiana
Zoning Administrator